

Message Text

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DRAFTED BY AF/C:JSBLODGETT:LAR

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COMMERCE:DGILPATRICK (SUBS)

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SCA/SCS:LMULLIN (PHONE)

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O 172305Z OCT 75

FM SECSTATE WASHDC

TO AMCONSUL DOUALA IMMEDIATE

INFO AMEMBASSY YAOUNDE IMMEDIATE

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E.O. 11652: N/A

TAGS: BBAK, BPRO, CGEN, CM

SUBJECT: COLLIER RESEARCH ASSOCIATES

REF: (A) YAOUNDE 3459; (B) STATE 246773

1. DEPARTMENT HAS SPOKEN WITH ARCHIE WESTON, WHO CONFIRMS LOAN COMMITMENT DESCRIBED REF (A). WE WOULD LIKE TO DOUBLE CHECK AT SOURCE OF LOAN, I.E., EQUITABLE LIFE INSURANCE CO., BUT HAVE BEEN UNABLE SO FAR TO PINPOINT RESPONSIBLE LOAN OFFICER. PROBLEM COMPLICATED BY FACT THAT THERE ARE SEVERAL INSURANCE COS. BY THAT NAME. CAN COLLIER PROVIDE FURTHER INFORMATION? IF NOT, WE WILL CHECK BACK WITH WESTON, WHO UNFORTUNATELY NOT AVAILABLE AGAIN BY PHONE UNTIL NEXT WEEK.

2. IN ANY EVENT, DEPT. BELIEVES CRUCIAL CONSIDERATION FOR POSSIBLE REFUSAL OF NOTARIAL SERVICE IS WHETHER TERMS OF PASVANTIS-MANDENG AGREEMENTS RENDER COLLIER-MANDENG AGREEMENTS ILLEGAL. ACCORDING TO WESTON, LATTER AGRE-
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EMENTS AWARD COLLIER ESSENTIALLY THE SAME EXCLUSIVE

REPRESENTATION RIGHTS PREVIOUSLY AWARDED TO PASVANTIS,
SO THAT IN EFFECT COLLIER IS TAKING OVER PASVANTIS' ROLE
IN ITS ENTIRETY. JUSTIFICATION FOR THIS ACTION AS STATED
BY WESTON IS THAT PASVANTIS HAS FAILED TO FULFILL HIS

OBLIGATIONS UNDER TERMS OF AGREEMENT WITH MANDENG.
WHETHER MANDENG HAS LEGAL RIGHT TO REPUDIATE PASVANTIS
AGREEMENTS ON THAT BASIS IS NOT SUSCEPTIBLE TO CLEAR-CUT
RULING, AND WILL DEPEND AMONG OTHER THINGS, FOR EXAMPLE,
ON WHETHER LEGAL JURISDICTION OVER AGREEMENTS IS IN
CAMEROON OR U.S. IN ANY CASE, IT WOULD NOT APPEAR
THAT COLLIER-MANDENG AGREEMENTS ARE QUOTE PATENTLY ILLE-
GAL UNQUOTE WITHIN MEANING OF 7 FAM 821.2-2.

3. UNLESS AMCONSUL DOUALA FEELS STRONGLY THAT NOTARI-
ZATION SHOULD BE REFUSED UNDER PROVISIONS OF ABOVE REGU-
LATION, DEPARTMENT WOULD SUGGEST HE GO AHEAD AND PER-
FORM REQUESTED SERVICE, ALONG WITH SPECIFIC WAIVER OF
RESPONSIBILITY AS PROVIDED FOR IN 7 FAM 821.3. WAIVER
CAN INCLUDE STATEMENT TO EFFECT THAT CONSUL UNDERSTANDS
AGREEMENT BEING NOTARIZED COULD VIOLATE TERMS OF PREVIOUS
AGREEMENT.

4. DEPT WILL KEEP POSTS INFORMED OF ANY FURTHER INFORMA-
TION DEVELOPED RE COLLIER PROPOSAL AND FINANCING
ARRANGEMENTS. INGERSOLL

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